



UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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SHANET VIRUET,

Plaintiff,

-against-

**ORDER**

**16-CV- 8327 (JGK) (KHP)**

THE CITY OF NEW YORK, and BILL DE BLASIO,  
ROBERT FLYNN, FIDEL DELVALLE, LORELEI  
SALAS, JULIE MENIN, SANFORD COHEN,  
JORDAN COHEN, TAMALA BOYD, MATILDA  
SARPONG, MICHAEL TIGER, MAUREEN BROOKS,  
and MANUEL MENJIVAR, individually and in their  
capacities as officials and employees of the City of New York,  
SAUL FISHMAN, the president of the Civil Service Bar  
Association, and LOCAL 237 BROTHERHOOD OF  
TEAMSTERS and its affiliate THE CIVIL SERVICE  
BAR ASSOCIATION,

Defendants.

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**KATHARINE H. PARKER, UNITED STATES MAGISTRATE JUDGE**

Plaintiff's request for an extension of time to submit her proposed third amended complaint ("TAC") at Docket Number 118 is DENIED.

On October 28, 2019, the parties appeared for a case management conference. As discussed during the conference, the Court directed the Pro Se Plaintiff<sup>1</sup> to provide a copy of her proposed TAC to Defendants' counsel by no later than November 11, 2019. (Doc. 113.) On November 11, 2019, Plaintiff sent a letter to the Honorable John G. Koeltl asking for a 45-day extension of time to send her proposed TAC to Defendants' counsel. Plaintiff did not file this letter on ECF. Instead, Defendants' counsel filed the letter as an exhibit to a letter opposing

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<sup>1</sup> The Court notes that Plaintiff is an attorney.

Plaintiff's application. (Doc. No. 114-1.) Nevertheless, by order dated November 18, 2019, this Court granted Plaintiff a brief extension of time, until November 25, 2019, to submit the TAC to Defendants' counsel. (Doc. No. 115.) A copy of that order was mailed to Plaintiff on November 19, 2019.

On or about November 24, 2019, Plaintiff submitted a letter asking for additional time to comply with this Court's November 18, 2019 order. Once again, Plaintiff failed to file the letter on the docket and, instead, faxed the letter to the Court and purportedly emailed a copy of the letter to Defendants' counsel. This Court sent a copy of the letter to the Pro Se Intake Unit and the letter was docketed on ECF on November 27, 2019. (Doc. No. 118.)

Plaintiff has failed to demonstrate that good cause exists to grant her an extension of time to amend her Complaint for what appears to be the fifth time. (See Doc. No. 98, 3 n.3.) Indeed, this Court gave Plaintiff an initial deadline of November 11, 2019 to send her proposed TAC to Defendants, and Plaintiff waited until the same day the TAC was due to ask for an extension and failed to submit that request to the Pro Se Intake Unit so that it could be docketed on ECF. To the extent Plaintiff was unaware that she had been granted an extension, she should have submitted her proposed TAC to Defendants by the original deadline of November 11, 2019 instead of waiting to see whether this Court would grant the extension. Accordingly, Plaintiff's request is denied.

Plaintiff is hereby directed to file a TAC that comports with Judge Koeltl's May 3, 2019 Opinion and Order on the docket by no later than **December 20, 2019**. (See Doc. No. 98.) Plaintiff's submission must include both a clean version of the TAC and a redlined version of the

TAC that shows the differences between the TAC and the Second Amended Complaint. To be clear, the TAC should only include those claims that survived Defendants' Motion to Dismiss and may not include any new facts or claims.

Plaintiff is directed to review this Court's individual rules and, in particular, to note that all requests for extensions of time must be submitted 48 hours in advance and filed on the docket. *See Judge Parker's Individual Rules of Practice*, [https://nysd.uscourts.gov/sites/default/files/practice\\_documents/Judge%20Parker%20Individual%20Practices%20in%20Civil%20Cases%202019.03.26%20%20%20%20\\_0.pdf](https://nysd.uscourts.gov/sites/default/files/practice_documents/Judge%20Parker%20Individual%20Practices%20in%20Civil%20Cases%202019.03.26%20%20%20%20_0.pdf). **Plaintiff shall refrain from sending any documents directly to chambers. Unless otherwise instructed by the Court, Plaintiff is directed to file all documents on the docket through the Pro Se Intake Unit. Plaintiff is hereby warned that the Court will not consider any future applications that are not filed on the docket. Plaintiff is also instructed to direct all discovery and case management requests to Judge Parker, who is supervising the case for all pre-trial purposes.**

The Court also reminds Plaintiff that she may consent to electronic service, which will allow her to receive court documents electronically via email instead of by regular mail. A copy of the consent form is included with this Order and is also available online at <https://nysd.uscourts.gov/sites/default/files/2018-06/proseconsentecfnotice-final.pdf>. To consent to electronic service, Plaintiff should complete the form and return it to the Pro Se Office.

The Clerk of Court is respectfully directed to mail a copy of this Order to the Pro Se Plaintiff.

SO ORDERED.

Dated: December 3, 2019  
New York, New York



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KATHARINE H. PARKER  
United States Magistrate Judge



**United States District Court  
Southern District of New York  
*Pro Se Office***

## **Pro Se (Nonprisoner) Consent & Registration Form to Receive Documents Electronically**

Parties who are not represented by an attorney and are not currently incarcerated may choose to receive documents in their cases electronically (by e-mail) instead of by regular mail. Receiving documents by regular mail is still an option, but if you would rather receive them only electronically, you must do the following:

1. Sign up for a PACER login and password by contacting PACER<sup>1</sup> at [www.pacer.uscourts.gov](http://www.pacer.uscourts.gov) or 1-800-676-6856;
2. Complete and sign this form.

If you consent to receive documents electronically, you will receive a Notice of Electronic Filing by e-mail each time a document is filed in your case. After receiving the notice, you are permitted one “free look” at the document by clicking on the hyperlinked document number in the e-mail. Once you click the hyperlink and access the document, you may not be able to access the document for free again. After 15 days, the hyperlink will no longer provide free access. Any time that the hyperlink is accessed after the first “free look” or the 15 days, you will be asked for a PACER login and may be charged to view the document. For this reason, *you should print or save the document during the “free look” to avoid future charges.*

### **IMPORTANT NOTICE**

Under Rule 5 of the Federal Rules of Civil Procedure, Local Civil Rule 5.2, and the Court’s Electronic Case Filing Rules & Instructions, documents may be served by electronic means. If you register for electronic service:

1. You will no longer receive documents in the mail;
2. If you do not view and download your documents during your “free look” and within 15 days of when the court sends the e-mail notice, you will be charged for looking at the documents;
3. This service does *not* allow you to electronically file your documents;
4. It will be your duty to regularly review the docket sheet of the case.<sup>2</sup>

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<sup>1</sup> Public Access to Court Electronic Records (PACER) ([www.pacer.uscourts.gov](http://www.pacer.uscourts.gov)) is an electronic public access service that allows users to obtain case and docket information from federal appellate, district, and bankruptcy courts, and the PACER Case Locator over the internet.

<sup>2</sup> The docket sheet is the official record of all filings in a case. You can view the docket sheet, including images of electronically filed documents, using PACER or you can use one of the public access computers available in the Clerk’s Office at the Court.



**United States District Court  
Southern District of New York**  
*Pro Se Office*

**CONSENT TO ELECTRONIC SERVICE**

I hereby consent to receive electronic service of notices and documents in my case(s) listed below. I affirm that:

1. I have regular access to my e-mail account and to the internet and will check regularly for Notices of Electronic Filing;
2. I have established a PACER account;
3. I understand that electronic service is service under Rule 5 of the Federal Rules of Civil Procedure and Rule 5.2 of the Local Civil Rules, and that I will no longer receive paper copies of case filings, including motions, decisions, orders, and other documents;
4. I will promptly notify the Court if there is any change in my personal data, such as name, address, or e-mail address, or if I wish to cancel this consent to electronic service;
5. I understand that I must regularly review the docket sheet of my case so that I do not miss a filing; and
6. I understand that this consent applies only to the cases listed below and that if I file additional cases in which I would like to receive electronic service of notices of documents, I must file consent forms for those cases.

**Civil case(s) filed in the Southern District of New York:**

**Note:** This consent will apply to all cases that you have filed in this court, so please list all of your pending and terminated cases. For each case, include the case name and docket number (for example, John Doe v. New City, 10-CV-01234).

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Name (Last, First, MI)

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Address	City	State	Zip Code
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Telephone Number	E-mail Address
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Date	Signature
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**Return completed form to:**

Pro Se Office (Room 200)  
500 Pearl Street  
New York, NY 10007